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Supreme Court of the United States

OCTOBER TERM, 1965

No. 384

EMMETT J. STEBBINS,

Appellant,

v.

JOHN W. MACY, Jr., Chairman,
Civil Service Commission, Et al.,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

APPELLANT'S PETITION FOR REHEARING

EMMETT J. STEBBINS
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Appellant, Pro Se

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Comes now petitioner, Emmett J. Stebbins, *pro se*, and respectfully prays for a rehearing of this case. This petition is made because of the following reasons:

I

That the United States Civil Service Commission and the United States Department of Justice have admitted that they have *lied* to the Supreme Court of the United States, the United States Court of Appeals for the District of Columbia Circuit and the United States District Court for the District of Columbia in administering the Federal Personnel Laws in general and section 14 of the Veterans' Preference Act in particular, which laws were enacted by

the Congress of the United States. The admissions are supplied in the "Transcript of the Record" filed in this Court July 22, 1965 and certified by the Clerk of the United States District Court for the District of Columbia June 23, 1965 and are found at the following pages of the Record – 2 to 8.

Admissions on File (Record 2 to 8)

An Action Seeking a Permanent Injunction Restraining the Enforcement of a Statute Enacted by Congress Upon the Ground of the Unconstitutionality of Such Statute

Petitioner complains and alleges:

ONE

That jurisdiction of this court is invoked under the Act of August 24, 1937, c 754, section 3 (50 Stat. 752, 28 USC section 380 (a) (1940); revised 28 USC section 2284 (1948) and sections 1331, 2201 and 2202 of Title 28, USC, as amended.

TWO

That Public Law 359, c 287, section 14, 58 Stat 390; 5 USC section 863, as amended was passed June 27, 1944 by the Congress of the United States:

An Act to give honorably discharged veterans, their widows, and the wives of disabled veterans, who themselves are not qualified, preference in employment where Federal funds are disbursed.

> SEC. 14. No permanent or indefinite preference eligible, who has completed a probationary or trial period employed in the civil service, or in any establishment, agency, bureau, * * * or department, hereinbefore referred to shall be discharged, suspended for more than thirty days, * * * or debarred for future appointment except for such cause as will promote the efficiency of the service and for reasons given in writing * * *.

THREE

That above-named respondents are duly appointed, qualified and acting United States Civil Service Commissioners and in such capacities are charged with the responsibilities of enforcing section fourteen of the Act.

FOUR

That respondents have administered the act or sections of the act as to render it unconstitutional; or that they have practiced fraud upon the Federal Courts in its administration.

FIVE

That section fourteen of the act is vague and indefinite and deprives petitioner of the equal protection and due process of law as provided in the fifth amendment to the Constitution of the United States.

SIX

That petitioner is a Veteran's Preference eligible with a Competitive civil service status.

SEVEN

That petitioner filed numerous complaints against the federal establishment pursuant to Executive Order 9980.

EIGHT

That the legislative history for the Veterans' Preference Act is found in the Hearings on H.R. 7439 which is now Public Law 733, 22-1 Title Five United States Code.

NINE

That Chief Law Officer of the Civil Service Commission in his testimony to the Congressional subcommittee gave a consummate exposition of the applicability of the Federal Personnel Laws in general and section fourteen in particular, Hearings on H.R. 7439, now Public Law 733, Library of Congress Reference - JK 730, .A5, 1950b.